

DISTRICT OF MASSACHUSETTS

SCANSOFT, INC.,)	
)	
)	
Plaintiff)	
)	
v.)	C.A. No. 04-10353-PBS
)	
VOICE SIGNAL TECHNOLOGIES, INC.,)	
LAURENCE S. GILLICK, ROBERT S.)	
ROTH, JONATHAN P. YAMRON, and)	
MANFRED G. GRABHERR,)	
)	
Defendants)	
)	

**SCANSOFT'S MOTION FOR LEAVE TO FILE RESPONSE TO
VST's SUPPLEMENTAL MEMORANDUM
REGARDING CLAIM CONSTRUCTION OF U.S. PAT. NO. 6,501,966**

ScanSoft respectfully requests leave of this Court to file the proposed response (attached as Exhibit 1) to VST's supplemental claim construction brief [D.N. 248]. In its supplemental brief, VST relies on a case, *Boss Control*, that, in effect, is superseded by the Federal Circuit's just-announced *en banc* opinion in *Phillips v. AWH Corp.*, which restates and reaffirms guiding principles of claim construction. Accordingly, ScanSoft seeks in its responsive brief to show how *Phillips* affects the claim construction of the '966 patent and how it undermines VST's proposed claim construction.

Accordingly, ScanSoft requests that the Court accept for filing the proposed responsive brief attached as Exhibit 1.

CERTIFICATE UNDER LOCAL RULE 7.1

On July 6, 2005, counsel for the parties conferred in good faith, by telephone, regarding VST's motion for leave to file its supplemental brief. Counsel, however, could not agree on the need for the supplemental brief. As such, counsel also could not agree on ScanSoft's request for assent to file a responsive brief.

Dated: July 14, 2005

SCANSOFT, INC.,
By its attorneys,

/s/ Erik P. Belt

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